

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VINCENT T. GRADY,

Petitioner,

-vs-

Case No. 12-C-1248

**MICHAEL DITTMAN,
Warden, Redgranite Correctional Institution,**

Respondent.

DECISION AND ORDER

Vincent Grady petitions the Court for relief from his conviction in state court. 28 U.S.C. § 2254. Grady's claims are directed towards his sentence, specifically the procedures used at sentencing and the factors considered by the sentencing judge. Generally, the exercise of sentencing discretion is a matter of state law that is not cognizable in federal habeas corpus. *See, e.g., United States ex rel. Pitchford v. Trancoso*, No. 09 C 3757, 2010 WL 5314148, at *13 (N.D. Ill. Dec. 20, 2010); *Hamilton v. Thurmer*, No. 08-C-1007, 2010 WL 890062, at *4 (E.D. Wis. Mar. 9, 2010). "Some rational connection between the sentence and the offense is all the Constitution enjoins under the Due Process and Equal Protection Clauses." *Holman v. Page*, 95 F.3d 481, 486 (7th Cir. 1996). After reviewing the record in Grady's case, the Court is satisfied that his sentence (17 years plus 12 years of extended supervision) is rationally related to his offense (two counts of armed robbery with use of force, party to a crime).

Grady's petition is **DENIED**. The Clerk of Court is directed to enter judgment accordingly. Moreover, the Court concludes that Grady's petition does not evince a "substantial showing" that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Accordingly, the Court will not issue a certificate of appealability. Rule 11(a), Rules Governing Section 2254 Cases in the United States District Courts; 28 U.S.C. § 2253(c)(2).

Dated at Milwaukee, Wisconsin, this 23rd day of May, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge